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STATE FOR DRL, EAP/CM

E.O. 12958: DECL: 02/08/2032
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SUBJECT: HUMAN RIGHTS: POST RAISES EXECUTION CASE OF UIGHUR
ISMAIL SEMED

Classified By: Political Section Internal Unit Chief Susan A. Thornton.
Reasons 1.4 (b/d).

1. (C) Post contacted Ministry of Foreign Affairs International Organizations Department Human Rights officer Xu Jing February 8 to urge that China stay the execution of Uighur rights activist Ismail Semed, citing problems of due process and the requirement under Chinese law for a Supreme Court review of the case. Poloff noted reports about possible coerced testimony and lack of transparency and access to a defense lawyer in the Semed case. He urged that the Supreme People's Court review the case as mandated by Chinese law effective January 1, 2007, and highlighted concerns over reports that there has been no SPC review of the case. Poloff asked that Chinese legal authorities stay the execution so that a review can take place and urged the Government to conduct the proceedings transparently, in accordance with international law and practice.

2. (C) Xu promised to look into the matter and to share our request with senior MFA officials. Later on February 8, after speaking with SPC representatives, Xu contacted Post and reported that the SPC is not required to review death sentences that were handed down prior to January 1, 2007 (Semed's was delivered in October, 2005). (Note: According to the amended law, death penalty cases that did not require Supreme Court review prior to January 1 and were reviewed by the relevant higher court prior to that date do not require SPC review. Reports available to the Embassy do not make clear when the Xinjiang High Court reviewed the case. End note.) Poloff urged that in this sensitive case China should nonetheless observe the spirit of the new regulation and the SPC should review Semed's sentence. Xu said she would pass our concerns to the relevant authorities.

RANDT